

2004 Report to the Legislature



Watershed Planning and Instream Flow Setting Progress



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and
Instream Flow Setting Progress

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Executive Summary

This report on the progress of watershed planning and instream flow setting around the state was prepared by the Department of Ecology (Ecology), pursuant to RCW 90.82.043(5) and RCW 90.82.080(6). It describes common findings and recommendations from local watershed planning units, including recommendations for legislative changes to existing statutes. It also describes the status of the state's most significant work in adopting state administrative rules to put instream flows in place and the programs necessary to protect these flows.

Significant progress has been made in recent years. As 2004 comes to a close, 12 watershed plans covering 18 watersheds (WRIAs), have been approved by planning units, and six of those approved by counties. Local citizens and elected officials have dedicated countless hours developing plans, strategies and recommendations regarding how to meet existing and future water needs in their watersheds. Strategies include more efficient use of existing supplies and reserving a limited amount of water for future household and minor small business purposes. Recommendations address several proposed changes to water statutes, none of which were needed to enable plan approval.

Ecology also is pleased with the number of instream flow recommendations submitted to Ecology. To date, eight watershed planning units have agreed on and submitted instream flow recommendations for their watersheds where no instream flows were previously in place. These recommendations were developed collaboratively and received unanimous approval of the planning units.

To meet its statutory obligation Ecology has promptly initiated administrative rules to move forward with setting and protecting stream flows in five watersheds – the Elwha-Dungeness, Entiat, Quilcene-Snow, Samish and Stillaguamish river basins. This was done not only in cases where the planning units have reached agreement on recommended instream flows such as the Entiat and Elwha-Dungeness but also in basins where local planners have not achieved agreement within the statutory deadlines like the Quilcene-Snow or opted not to recommend instream flows such as the Samish River basin. Adoption of instream flow rules are also underway in the Stillaguamish, a priority salmon-critical watershed where no local watershed planning group was formed under the Watershed Planning Act.

The proposed rules will set instream flows and provisions for allowing adequate supplies of water for future domestic uses. In each of the watersheds, Ecology is building upon existing work of local planning units and consulting with tribal and state natural resources agencies, local governments, and major stakeholders.

In the coming biennium, watershed planning units will be working on both plan development and implementation, which will require considerably more work and resources. Ecology has responded in this biennium by aligning its existing resources in support of watershed planning and programs, and proposing funding for 2005-07 biennium to support implementation. This will become even more important next biennium as local and state entities start to understand the magnitude of funding that will be required to implement the watershed plans.

Introduction and Background

Water availability is a critical issue in Washington and will become even more so as time passes. The issue hinges on how this increasingly scarce resource should be managed to meet the needs of people, farms and fish. To address this challenge, the 1998 Legislature enacted the Watershed Planning Act (Chapter 90.82 RCW) empowering local governmental entities and citizens to work through a cooperative planning process to recommend local water management solutions.

Framed around watersheds or Water Resource Inventory Areas (WRIAs), this voluntary and cooperative planning process is designed to allow local citizens, local and state governments, and tribes to form Watershed Planning Units to develop locally-based watershed management plans and strategies to increase water supplies. As part of the process, planning groups must address water quantity issues and have the option of addressing instream flows, water quality and habitat. Under the Act, a grant program was established, with state agencies managing grants, providing technical assistance and, carrying out obligations and commitments agreed to in the plans. In 2003, the legislature amended the Act, authorizing a fourth phase of watershed planning – the implementation phase – and an associated grant program.

A total of 37 planning units representing 45 of the state's 62 distinct watersheds have opted to participate in the planning process (see map included in Appendix A). In 30 watersheds, planning units chose to examine instream flows and make recommendations to Ecology to set new or modify existing instream flows.

Watershed plans and instream flow recommendations are due four years after planning units receive the watershed assessment grant (Phase II funds). Under the Act, Ecology has specific obligations concerning instream flows. Ecology is required to move forward promptly with setting instream flows by rule in watersheds where planning units have reached agreement on recommended instream flows, as well as in watersheds where planning units have not achieved agreement within statutory deadlines, or have opted not to recommend instream flows.

In the last six years, Washington has invested more than \$30 million in grants to local governments to assist the watershed planning process. This investment is beginning to show returns; 12 watershed planning units covering 18 river basins have completed their plans. County governments have approved six plans and the first of these has moved into the implementation phase. In contrast, four watershed planning units were unable to reach consensus and their process has terminated. The department also has instream flow agreements and recommendations from eight watersheds. This is a major accomplishment because, with the exception of the Skagit River basin instream flow rule adopted in 2001, no other instream flows have been agreed to or established since 1985.

These plans and recommendations reflect the collective needs and unique interests of each watershed. They are the result of extensive data collection, healthy debate around instream flows and water for future growth, and significant and continuous involvement of the general public. The plans also reflect the excellent and significant collaborative work between members of each planning unit which include representatives from local, tribal and state governments as well as other local public and private water interests.

This report, prepared pursuant to RCW 90.82.043 (5), and RCW 90.82.080(6), briefly describes:

1. Common findings and recommendations from planning units;
2. Progress toward setting instream flows under the Watershed Planning Act, as well as progress in those watersheds where planning is not occurring under the Act;
3. Specific statutory changes recommended to the Legislature by the planning units; and
4. Watershed-by-watershed progress.

General Review: Findings and Recommendations

Statewide status

In 2003, Ecology reported that no watershed plan had yet been approved as per RCW 90.82.130. As 2004 comes to a close, the status of the 37 plans covering 45 WRIAs is as follows:

- Six plans, covering eight different WRIAs, were adopted by county governments.
- Six plans, covering 10 different WRIAs, were approved by planning units.
- Two plans, covering 3 different WRIAs, are expected to be completed in early 2005.
- Four plans, covering four WRIAs, were not approved or the planning process was terminated by planning units.
- Nineteen plans, covering 20 different WRIAs, should be complete between 2005 and 2008.
(see map at end of report)

Common Themes from Watershed Assessments

Documentation of Existing Conditions

A great deal of work was done by the planning units to estimate surface and ground water availability and existing and future water use in each watershed. Several planning units documented, through extensive studies conducted by the U.S. Geological Survey and various consultants, the connection between surface and ground water sources in their watersheds.

Future Need for Additional Data and Resources

While most planning units recognized their assessments, methodologies and supporting data are based on “best available science” and sufficient for developing recommendations and strategies, they also concluded that proper resource management will require additional information, studies, monitoring and funding. The following are some of the common recommendations and suggestions made to Ecology:

- There is a great deal of disparity between actual water use and the amount of water represented by “paper” water rights and claims. Many planning units reported that there needs to be a legal determination regarding the extent and validity of all water right claims, permits and certificates in their watersheds. Beside the adjudication of water rights, there also needs to be better compliance and enforcement activities within each watershed. Many plans have highlighted the need to “clean-up” paper water rights and enforce against illegal water users. Several plans have discussed the value of a “watermaster” – to provide orderly

management of water resources, lend technical assistance, and protect senior rights. In fact, the Colville watershed planning unit specifically requested funding for a regional watermaster to serve northeastern counties.

- In order to improve the current knowledge about water resources in their watersheds, many planning units have recommended an integrated approach that includes stream-flow monitoring, a water rights accounting system, and metering and reporting regarding water uses.

Education and Outreach

Each community, through these technical studies, learned a great deal about the water resources in their watersheds. Lessons were learned about limitations of existing water supplies; the importance of using available water supplies more efficiently to meet the needs of people, farms, and fish; and the importance of addressing and resolving water-resources issues with active involvement of local, tribal and state governments, and interested parties.

Strategies for Increasing Water Supplies

In accordance with RCW 90.82.070(2) watershed plans have identified several strategies that can be used to supply water to satisfy minimum instream flows and provide water for future growth. Most strategies focus on better use of existing water supplies such as:

- Multipurpose storage through new reservoirs or improvements to existing facilities
- Aquifer recharge and recovery
- Municipal water conservation
- Infrastructure improvements in irrigation systems
- Investment in reclaimed water facilities
- Implementation of the trust water-right program and water banking
- Other techniques such as conjunctive use of surface and ground water sources, and using reclaimed water to augment stream flows and replace potable supplies.

Most of the strategies identified are general in nature. The details will more than likely be developed during Phase 4 implementation. The 2004 Legislature recognized the need to move forward with “early action” projects and appropriated more than \$15 million to develop water storage projects and plans (approximately \$9,600,000) and implement water-piping or conveyance projects (approximately \$5.8 million). For example, conveyance grants were provided to replace open ditches with pressurized pipes on Beaver Creek in Okanogan County, the Walla Walla River, and the Nanenum and Simcoe Creeks in the Yakima watershed.

The cities of Yelm and Walla Walla and Walla Walla County received grants for aquifer recharge and recovery and Ecology awarded grants to planning units for off-site storage evaluation in the Dungeness and Entiat rivers.

Increased Funding Support

Since so many plans are scheduled to either move into implementation or be completed during the next several years, it is essential that investment in watershed planning continue.

Completed plans are calling for: Increasing support for more accurate and complete data and monitoring; implementation of strategies for increasing water supply for people, farm and fish; and compliance and enforcement. The plans also are requesting for considerably more work at the state and local level to develop more effective working relationships through interagency agreements, additional technical assistance, and implementation of agreed-to state and local governments' obligations adopted in the plans.

In the coming biennium, watershed planning units will be working on both plan development and plan implementation phases. Ecology's watershed leads will continue to be part of the core interagency teams helping deliver state support for locally-developed watershed plans. Ecology will continue to tailor its support to watersheds consistent with recommendations coming out of the plans.

In the proposed 2005-07 biennial budget, Ecology will be supporting some immediate local watersheds efforts by continuing and enhancing stream-flow monitoring, and modernizing water resource management and compliance. However, it is important to note that local and state entities are just beginning to understand and appreciate the magnitude of money that will be needed to implement the plans.

Progress on Setting Instream Flows

Out of the 45 watersheds planning under the Watershed Planning Act, 30 chose to examine flows and make recommendations to Ecology for new or to modify existing instream flows. In 2004, as the first set of watershed plans and instream flow recommendations came due, Ecology and Department of Fish and Wildlife developed the "*Action Plan for Setting, Achieving, and Protecting Stream Flows.*" The Action Plan is focused on priority watersheds, including fish-critical basins, where instream flow recommendations were either due in 2003 and 2004, or coming due in 2005. In addition, Ecology developed draft and final guidance to watershed planning units regarding instream flows entitled "*A Guide to Instream Flow Setting in Washington State.*" In September 2004, Ecology provided a general guidance document entitled "*Guidance for Setting Instream Flows and Allocating Water for Future Out-of-stream Uses*", that identifies technical and rulemaking considerations for developing rules, setting instream flows and allocating water for future domestic uses.

In the six years since the Watershed Planning Act was passed, significant progress on instream flow setting has been made. Extensive field data have been collected regarding several hundred streams and rivers across the state by individual watershed planning units and their consultants as well as the departments of Ecology and Fish and Wildlife. Numerous instream flow studies using Instream Flow Incremental Method (IFIM), measuring toe-width, and analyses of stream-flow data were performed.

This intensive work forms the scientific foundation for the instream flow recommendations, developed by the planning units and Ecology and Fish and Wildlife in consultation with various Indian tribes. In addition, more than 90 continuous real-time gauges and 30 staff gauges were installed by Ecology to provide accurate and timely stream-flow data. These gauges are

important to monitor existing conditions and protect existing rights, including any instream flows adopted by rule.

Of 12 watersheds planning under RCW 90.82 without existing flows set in rule, eight have reached key milestones by achieving planning unit agreement on instream flows and submitted their recommendations to Ecology:

- Elwha-Dungeness (WRIA 18)
- Entiat (WRIA 46)
- Grays-Elochoman (WRIA 25)
- Cowlitz (WRIA 26)
- Lewis (WRIA 27)
- Salmon-Washougal (WRIA 28)
- Moses Coulee (WRIA 44)
- Foster Creek (WRIA 50)

Another four planning units have made or are making good progress in discussing and negotiating instream flows, but have yet to reach a final agreement or submit their recommendations to Ecology:

- Quilcene-Snow (WRIA 17)
- Walla Walla (WRIA 32)
- Hangman (WRIA 56)
- Middle Spokane (WRIA 57)

In those watersheds with existing instream flow rules, six are continuing studies and evaluation to modify those flows:

- Nooksack (WRIA 1)
- Nisqually (WRIA 11)
- Lower and Upper Chehalis (WRIAs 22 and 23)
- Methow (WRIA 48)
- Colville (WRIA 59)

In 2004, Ecology moved promptly to initiate rule making in five high-priority watersheds by filing its intent to adopt rules with the state Code Revisor's Office (CR-101):

- Samish sub-basin in the Lower Skagit (WRIA 3)
- Quilcene-Snow (WRIA 17)
- Elwha-Dungeness (WRIA 18)
- Walla Walla (WRIA 32)
- Entiat (WRIA 46)

In addition, Ecology filed a CR-101 for the Stillaguamish (WRIA 5) in November 2002.

(see map at end of report)

Ecology is working in partnership with planning units on rule development where local planners have made or are working toward instream flow recommendations. In the Samish River basin, it is important to note that the planning unit was unable to reach consensus on instream flow recommendations. Consequently, Ecology is proceeding with establishing and adopting a water resources and instream flow protection rule, building on the considerable work already done by the planning unit.

This instream flow work – studies and recommendations – is a prime example of the excellent collaborative work between members of the planning unit which include representatives from local, tribal and state governments and local water interests. This is particularly true in the Entiat, Elwha-Dungeness and Lower Columbia (Grays-Elochoman, Cowlitz, Lewis and Salmon-Washougal) watersheds.

Instream Flow Strategies and Options

As stated above, watershed plans have identified strategies to increase water supplies. However, it will not be until the implementation phase and beyond that many of these strategies will come to fruition. In the meantime, planning units and Ecology are faced with what may seem like irreconcilable requirements: Simultaneously recommending instream flows sufficient to meet the needs of fish while providing adequate water supplies to meet future domestic needs in rural areas.

Several watershed planning units and Ecology have explored a wide range of options regarding how to meet future rural water needs and allow permit-exempt ground-water withdrawals without affecting flows needed to protect instream resources. The most commonly recommended option by planning units is to set aside or reserve an amount of water for future domestic uses that will not be subject to instream flow regulations. Water reserves were recommended by the Entiat, Lower Columbia and Dungeness watershed planning units. Ecology has agreed to their proposals and also is in process of establishing reservations in the Samish and the Stillaguamish watersheds. The reserved water will be available to residential development relying on permit-exempt wells – but only in areas where public water supplies are not readily available. The reservations will be adopted as part of the overall instream flow rules.

For more detail on instream flow work in these watersheds, please see Watershed by Watershed Progress section.

Statutory Changes Recommended By Planning Units

RCW 90.82.043(5), provides that by December 1, 2003, and each December 1st thereafter, the director of the department “...shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter” (emphasis added).

While none of the completed plans has required that statutory changes be made to enable approval, several plans have contained recommendations to the legislature for changes in statute

or other policy considerations worth reporting. We have separated our “findings” into three categories:

1. Specific statutory changes recommended to the legislature from county or planning unit approved watershed plans
2. Other statutory changes recommended from county governments
3. Other policy recommendations or considerations for the legislature

1. Specific Statutory Changes Recommended from Approved Watershed Plans

From the 12 approved plans, recommendations were made to amend four statutes: Reclaimed Water Act (RCW 90.46), Water Rights Relinquishment (RCW 90.14), the exempt well provision of RCW 90.44.050, and Watershed Planning Act (RCW 90.82).

Reclaimed Water Act (RCW 90.46) – Two plans made recommendations to amend this statute to: 1) allow credit for reclaimed water that would enable water reuse project proponents to receive appropriate water-right benefits for their investment in improving water quality and conserving potable water resources; and 2) remove ambiguity/conflict between water quality and water resource statutes to encourage reclaimed water projects, including removal of the impairment prohibition. (Nisqually, Chehalis)

Water Right Relinquishment (RCW 90.14.160) – Recommendation was made from at least four plans to change or review the state relinquishment or “use it or lose it” provision to allow saving water without losing water rights (Yakima, Chehalis, Quilcene, Colville). The perception of the law as it currently exists is that it serves as a disincentive to conserve water, particularly for agriculture. Several plans asked the legislature to consider a management system that would allow the agricultural community to combine resources and “share” water rights to become more efficient. In addition, one plan recommended the legislature amend the statute to extend the period of time of non-use from five years to 15 years before relinquishment is triggered. (Colville)

Exempt Well Provision (RCW 90.44.050) - Almost every plan to date has made a recommendation to review or revise the exempt well provision of RCW 90.44.050, but there seems to be no clear consensus on how this ought to be done. Several plans have recommended legislative changes seeking to reduce or limit the daily withdrawal limit of 5,000 gallons per day for domestic use, or to limit the geographical area to which the exemption may apply. Conversely, one plan recommended expanding the exemption to add commercial irrigation and remove the one-half acre limitation and also a provision to “exempt” exempt wells from any future metering or reporting requirements.

Watershed Planning Act (RCW 90.82.040(2)) – One plan (Nisqually) recommended amending this section of the Act to permit use of supplemental watershed planning funds beyond the assessment and planning phase (Phases 2-3) and into the Implementation Phase (Phase 4).

2. Other Statutory Changes Recommended by County Governments

In addition to the statutory changes mentioned above, county elected officials have met with Ecology on several occasions and discussed proposed amendments to the Watershed Planning Act, RCW 90.82. Two of their major concerns centered on clarifying the county “opt out” provision of RCW 90.82.130 and the role of county governments in future plan approvals or amendments.

“Opt out” – Counties would like clarification that if one county (of a multi-county planning process) opts out, or votes not to approve a watershed plan, the remaining counties and entities (including those cities, irrigation districts, PUDs, etc., within that county) can still adopt a plan for their jurisdictions and obligations and move into Phase 4 implementation. In other words, a county government voting not to approve a plan does not invalidate the entire plan – only that particular county’s responsibilities.

Role of County Government in future plan approvals or amendments – Several counties have expressed concern that there is no explicit review or oversight authority provided for counties in Phase 4 or after plan approval. While county governments must vote by majority to approve a planning unit recommended plan, no similar process is described for county approval of the detailed implementation plan or for any future plan amendments. Some counties would like the authority for approval of future plans (amendments or implementation plan) spelled out in the law.

3. Other Policy Recommendations or Considerations for the Legislature

In addition to statutory changes recommended above, planning units have also proposed changes to existing policy or practice that warrant legislative consideration.

Funding Support – Plans have identified significant unmet funding needs for water infrastructure projects like storage, conservation and reuse. As mentioned elsewhere in this report, several planning units also have requested that the legislature increase Ecology’s staff funding level support so it can increase its efforts in compliance and enforcement, provide timely water-right permit decision-making, and enhance data collection and monitoring. Further, one plan (Colville) has specifically called for the legislature to fund a “watermaster” who would provide orderly management of water resources, lend technical assistance, and protect senior rights. Some have also requested “adequate funding for water resources management” and for developing “sources of funding for water quality improvements,” either of which may require new authorizations or appropriations.

Changes to Adjudications Procedures - Several plans have recommended the legislature and/or judiciary “streamline” the existing adjudications procedures, without specifying any particular approach.

WRIA Boundaries - One plan has specifically called for consideration and development of a process for allowing adjustments to boundary lines between WRIs.

Rainwater Harvesting – Two plans have requested development of a policy to permit capturing and storing rain water for future uses.

Watershed by Watershed Progress

The following section provides an overview of the progress on watershed planning and instream flow recommendations by watershed, grouped into six categories:

Plans Approved and Adopted by Counties (6)

1) The Nisqually Watershed Plan (WRIA 11)

It was the first plan in the state to receive county approval, with the Nisqually Tribe as the Lead agency for the planning effort. The Planning Unit approved their plan in October 2003. In April 2004, county commissioner boards from Thurston, Pierce and Lewis counties adopted the plan. The plan addressed water quality, habitat and instream flows, and made recommendations for statutory review of or changes to the Reclaimed Water Act, the exempt well provision, and the Watershed Planning Act. The planning unit anticipates moving into the implementation phase in early 2005.



The Nisqually has an existing instream flow rule adopted in 1981. The planning unit recommended existing closures should be maintained, unless new technical information suggests otherwise. It also recommended retaining instream flow levels in the Nisqually River, but doing more work on the Mashel River to improve stream flows and address the water supply needs of the town of Eatonville. Ecology funded the instream flow work.

2) The Chehalis Watershed Plan (WRIA 22/23)

This plan became the second plan in the state to be adopted, with Grays Harbor County as its lead agency. In May 2004, county commissioner boards from Grays Harbor, Lewis, Mason and Thurston counties voted to approve the plan. Since Cowlitz, Jefferson, Pacific and Wahkiakum counties have less than 5 percent of their total territory within the watersheds, these entities chose to opt of watershed planning, as per RCW 90.82.130(2)(c)). The plan included optional elements of water quality, habitat, storage and instream flows, and included recommendations for review of the reclaimed water, exempt well, and water right relinquishment statutes. The Chehalis Partnership (planning unit) is still considering whether and when to move into the implementation phase.



The Chehalis Partnership reviewed the existing instream flows that were set by Ecology in 1976. Their findings based on technical studies and existing limited data, indicate that low-flow conditions may be a concern in many streams and rivers in the Chehalis Basin. Data indicate that instream flows are not met many days from July through October. Additional studies and data collection efforts (IFIM, toe-width) have been initiated and should contribute to further evaluation of the instream flows. The Partnership recommended current regulatory flows should

be retained, and regularly monitored. In addition, a work group should be convened to oversee the studies and recommend modification to existing instream flow levels.

3) The Entiat Watershed Plan (WRIA 46)

This was the first plan from Eastern Washington to be adopted, and the first statewide to contain instream flow recommendations.

Chelan County Conservation District was the lead agency, and the Chelan County Board of Commissioners approved the plan in September 2004. In addition to instream flow recommendations, the plan included optional elements of water quality and habitat, and no recommendations for statutory changes. The Entiat Planning Unit expects to apply for Phase 4 Implementation grant funding in the near term.



The Entiat instream flow recommendation was a collaborative effort between all members of the planning unit. It is based on extensive studies related to instream flow and future water needs in the basin. The recommendation for instream flows and reservation of water for future uses is an expression of the public interest. In accordance with 90.82.080(2)(a), the planning unit determined by unanimous vote that the priority date of the instream flows is the effective date of the rule.

Ecology, in cooperation with the planning unit, is in the process of adopting a water resources management rule that sets instream flows for the Lower and Upper Entiat and Mad Rivers, creates a reservation for future uses that will be senior in priority to the instream flows and creates a program for administering future water allocation and uses. Ecology plans on filing a draft rule (CR102) with the Code Revisor in January 2005 with expected rule adoption in April 2005.

4) The San Juan Watershed Plan (WRIA 2)

This plan was approved by its planning unit in September 2004, and adopted by San Juan County Board of County Commissioners in October 2004. The plan addresses water quality and habitat and included no recommendations for statutory changes. Currently, it is the first and only watershed plan to move into Phase 4 Implementation.



The planning unit conducted an instream flow assessment, established a stream gauging network and collected data on seven streams of interest. Based on conclusions that these streams may only provide food sources and/or shelter locations and little or no spawning activity, further instream flow work was discontinued. Ecology does not anticipate conducting further studies or setting instream flows at this time.

5) The Moses Coulee/Foster Creek Watershed Plan (WRIA 44/50)

This plan was approved by its planning unit in September and by county commissioner boards for Douglas and Grant counties on Nov.



15, 2004. Foster Creek Conservation District was the lead agency. Since Okanogan County has less than 5 percent of its total territory inside either watershed, it chose to opt out of watershed planning. The plan includes instream flow recommendations and optional elements of water quality and habitat. It contained no recommendations for statutory changes. The planning unit also anticipates moving into Phase 4 Implementation in the near term.



The planning unit, with concurrence from Ecology, has agreed on instream flow recommendations and to have the department set instream flows throughout the year on Foster, Douglas and Rock Island creeks. Ecology intends to begin instream flow rule-making in spring 2005.

6) The Colville River Watershed Plan (WRIA 59)

This plan received planning unit approval on Nov. 15, 2004, and final Stevens County approval on Nov. 30, 2004. Stevens County was the lead agency for the plan, which includes water quality and storage optional elements. The plan includes recommendations to change state relinquishment and exempt withdrawal statutes, to create a regional watermaster, and to support an adjudication. Additional recommendations for statutory changes related to local water management will be addressed in the implementation phase



The planning unit chose not to address instream flows in their plan, but has requested and Ecology has agreed to work collaboratively in conducting instream flow studies and negotiating minimum instream flows to modify the existing closures under Water Resources Program for the Colville River Basin, WAC 173-559.

Plans Completed and Approved by Planning Unit (6)

1) The Quilcene-Snow Watershed Management Plan (WRIA 17)

This plan was completed and approved by its Planning Unit in October 2003, with Jefferson County as the lead agency. The planning unit chose water quality, habitat, and instream flow optional elements, but was unable to complete its instream flow recommendation for inclusion in the plan. Jefferson County has remanded the plan with instructions to the planning unit to include instream flow recommendations in the plan.



Ecology, working in collaboration with the planning unit and state Fish and Wildlife, has completed IFIM and toe-width studies. Negotiation is underway on instream flow levels. The department expects negotiation, consultation, and public discussion regarding instream flows and future water management to be done in early 2005. A draft rule is planned for April 2005 with final adoption by mid year.

2) The Elwha-Dungeness Watershed Management Plan (WRIA 18)

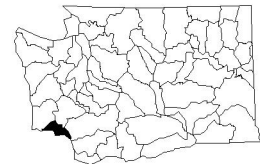
This plan was completed and approved by its planning unit in April 2004. Clallam County was the lead agency. The plan builds on the extensive work that has been going on in the watershed since 1989. The plan includes instream flow, water quality, fish and wildlife habitat, and storage optional elements. The county has held several public meetings on the plan and anticipates conducting further public outreach before taking final action on the plan in early 2005.



Instream flow recommendations were developed for the Dungeness and Elwha rivers, their tributaries and several independent streams. In conjunction with the instream flow recommendations, the planning unit identified the need to reserve, by rule, ground water for future domestic needs. Clallam County, Jamestown S’Klallam Tribe and Ecology have held preliminary discussions surrounding the establishment and management of any ground water reserve. Those discussions will be extended to include other members of the planning unit and provide opportunities for public input. Ecology plans on filing draft rule in April 2005 with adoption by July 2005.

3) The Grays-Elochoman/Cowlitz Plan (WRIAs 25 and 26)

This plan was approved by unanimous vote of the planning unit on Dec. 9, 2004. The Lower Columbia Fish Recovery Board was the lead agency. The plan includes water supply, water quality, instream flows, and habitat components. The habitat component of this plan was adopted from the Lower Columbia River Salmon and Steelhead Recovery Plan, which was done parallel to the watershed plan. The board’s regional salmon recovery plan was the first completed in the state. The county anticipates taking action on the plan in March 2005.



Ecology worked in collaboration with the planning unit and state Fish and Wildlife to develop instream flow recommendations for the Grays, Elochoman, and Cowlitz Rivers (the Cowlitz flow is regulated by the Federal Energy Regulatory Commission license), and associated closures to protect flows.



The plan recommended reservations for future water supply for specific purposes and geographical areas. The planning unit also voted unanimously to make the effective date of the instream flow rules the date of rule adoption in accordance with 90.82.080(2)(a).

4) The Lewis/Salmon-Washougal Plan (WRIAs 27 and 28)

This plan was approved by unanimous vote of the planning unit on Dec. 13, 2004. The Lower Columbia Fish Recovery Board served as lead agency. The watershed plan includes water supply, water quality, instream flows, and habitat components. The habitat component of this plan was adopted from the Lower Columbia River Salmon and Steelhead Recovery Plan, which was completed in



parallel to the watershed plan – the first regional salmon recovery plan completed in the state. The county anticipates taking action on the plan in March 2005.



Ecology worked in collaboration with the planning unit and state Fish and Wildlife to develop instream flow recommendations for the East Fork Lewis, Kalama, and Washougal Rivers (the main stem of the Lewis River is regulated by the FERC license), and associated closures to protect flows.

The plan recommended reservations for future water supply for specific purposes and geographical areas. The planning unit also voted unanimously to make the effective date of the instream flow rules the date of rule adoption in accordance with 90.82.080(2)(a).

5) The Yakima Plan (WRIAs 37/38/39)

This plan was approved by the planning unit in December 2002. The four counties involved in the plan – Benton, Kittitas, Klickitat and Yakima counties – have held several public meetings to review the plan but have yet to take final action. The plan includes water quality, habitat, and storage option elements. The planning unit chose not to include instream flows.



Instream flow targets are established for the mainstem Yakima under the federal Yakima Enhancement Program. In addition, treaty right instream flows in the Yakima River basin have been affirmed through the courts.

Flows are negotiated annually by the U.S. Bureau of Reclamation in consultation with a group of fisheries biologists, and based on a particular year of biological needs of fisheries.

6) The Methow Basin Watershed Plan (WRIA 48)

This plan received planning unit approval in July 2004, with Okanogan County serving as lead agency. The plan includes water quality and habitat optional elements. The planning unit did not opt to modify existing instream flows. Okanogan County is conducting a final review under the State Environmental Policy Act (SEPA) before taking final action on the plan.



Instream flows were set in rule in 1976. The planning unit and Ecology have agreed the rule will be revisited subsequent to submittal of new, adequate data.

Additional Plans Anticipated to be Completed in early 2005 (2)

In addition to those mentioned above, two more draft plans are expected to be completed and come to a planning unit vote for approval in the next month or two. We do not have a projection of when associated county action regarding plan approval may occur. These include:

Little/Middle Spokane (WRIs 55/57) –

Spokane County is the lead agency. The planning unit chose to address instream flow, water quality, and habitat optional elements.



Hangman (WRIA 56) – Spokane County Conservation District is the lead agency. The planning unit chose to address instream flow, water quality, and habitat optional elements.



Plans Not Approved or Planning Process Terminated (4)

In contrast to the 14 watersheds mentioned above, 2514 planning efforts have been terminated in four watersheds in the past year.

1). Samish (part of WRIA 3)

A draft watershed plan was completed in December 2003, but was not finalized or voted on by the planning unit.



The planning unit was able to complete a considerable amount of work on instream flow recommendations for the Samish basin, but was unable to reach consensus. As a result, Ecology is proceeding with establishing and adopting a Samish basin instream flow rule.

In consultation with state Fish and Wildlife and the tribes, and using the technical work completed by the planning unit, Ecology developed recommendations for instream flows and closures. A pre-proposal rule has been drafted, setting instream flow levels and policies to guide the protection and management of surface and ground water resources in the sub-watershed. The proposed rule also creates a reservation of water to satisfy human domestic needs. Ecology has held consultation sessions with the tribes, local governments and other state agencies and conducted a public open house.

Ecology plans to file a draft rule in early 2005, with adoption by late spring 2005.

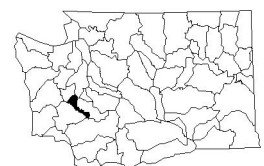
2). Clover-Chambers (WRIA 12)

The Planning Unit completed its final Chambers-Clover Watershed Management Plan in August 2004 which addressed water quality, and habitat. Pierce County, as the lead agency, held a meeting to vote on plan approval on Sept. 21, 2004. They were unable to reach consensus on approval, with the Puyallup Tribe of Indians, one of the participating governments, voting against approval of the plan.



Ecology does not anticipate amending the existing instream flow rule.

3). Deschutes (WRIA 13)



Similarly, the Deschutes Watershed Planning Unit completed a final draft watershed plan in September 2004. Thurston County was the lead agency of the planning effort, which addressed water quality, habitat and instream flow optional elements. In an Oct. 29, 2004, vote on plan approval, the planning unit failed to reach agreement on their plan. The Squaxin Island Tribe, one of the participating governments, voted against approval of the plan.

Ecology does not anticipate amending the existing stream flow rule.

4). Kettle (WRIA 60)

In July 2004, the Kettle Planning Unit voted to discontinue their planning effort at the end of Phase 2 and not move forward into Phase 3 plan development.



Ecology does not plan on conducting additional studies or setting instream flows within the next biennium.

Remaining 2514 watersheds

In addition to the 18 planning efforts described above:

- 11 plans are expected to be completed in 2005: Nooksack (1), Lyre/Hoko (19), Soleduc (20), Skokomish – Dosewallips (16), Kitsap (15), Kennedy – Goldsborough (14), Wind/White Salmon(29), Klickitat (30), Walla Walla (32), Pend Oreille (62)
- Two in 2006: Upper Crab – Wilson (43), Wenatchee (45)
- Three in 2007: Rock – Glade (31), Palouse (34), Middle Snake (35)
- Three in 2008 and beyond: Upper Alkali-Squilchuck (40a), Okanogan (49), Lower Spokane (54)

Non-2514 watersheds (2)

1). Stillaguamish (WRIA 5)

The Stillaguamish is not a 2514 watershed. In consultation with state Fish and Wildlife and the tribes, Ecology developed recommendations for instream flows and closures. A pre-proposal rule has been drafted. It sets forth instream flows, policies to guide the protection and management of surface and ground water resources in the sub-watershed, and creates a reservation of water to satisfy human domestic needs. A Stillaguamish Salmon Recovery group (2496 entity) is also being consulted to ensure that the 2496 lead entity incorporates the instream flow analysis and recommendation in to its salmon recovery strategy.



Ecology filed its intent to do rule making in 2002 and is actively working on developing rule language to establish a reservation. The reservation would be available for permit-exempt wells to serve domestic needs and the human health requirements of small businesses and would not be

subject to the instream flow. The amount of reserved water would be based on minimizing impacts to fish and other instream resources. Other reservation features include:

- Limits on outdoor watering.
- New construction required to hook up to public water if it is available.
- Snohomish and Skagit counties would be required to share in administration of the reservation. A limited quantity of water is proposed to meet the needs of stock watering.

2). Upper/Lower Skagit (WRIA 3/4)

Extensive litigation has been going on in the Skagit since adoption of an instream flow rule in 2001. Recent court action mandates adoption of an amended rule by April 2005 that creates an administrative framework to allow exempt ground water withdrawals to be used in the Skagit River Basin (WRIA 3 and 4). Consistent with the court order, Ecology filed a CR 101 – intent to modify existing rule – in November 2004, and is actively working on developing rule language to establish a reservation.



The reservation would be available for permit exempt wells to serve domestic needs and the human health requirements of small businesses and would not be subject to the instream flow. The quantity of water reserved would be based on lessening affects on fish and other instream resources. Other features of the reservation include:



- Limits on outdoor watering;
- New construction required to hook up to public water if it is available;
- Skagit County would be required to share in administration of the reservation.
- A limited quantity of water is proposed to meet the needs of stock watering.

Current instream flows and allocation limit are not proposed to be altered.

